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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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PAKISTAN: The international community must pursue the government of Pakistan to ensure the safety and security of journalists

1. As a member of the United Nations, Pakistan has obligations to ensure the equal enjoyment by all people within its territory of the personal and advocacy rights protected by the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Discharge of these obligations entails the right to Freedom of Expression and safety and security of the journalists, which the Human Rights Committee has determined applies to both criminal and civil proceedings.

2. The environment for working journalists is steadily deteriorating and has reached a point where Pakistan has become one of the most dangerous countries in the world for journalists. Journalists face menacing threats from militant groups including the Taliban and Al-Qaida and from the spy agencies of country's most powerful security establishment, particularly from the Inter Services Intelligence (ISI). Journalists walk a tight rope while performing their professional duties. In an actual sense they live on a daily basis with swords dangling over their heads.

3. The fact that Pakistan is among the most dangerous countries in the world for journalists is borne out by the statistics of a total of 87 deaths since the year 2000. A total of 16 journalists were killed during the year 2011, nine journalists died in 2012 and 13 journalists in 2013 while performing their official duties which ranked Pakistan as the third most dangerous country in the world for journalists. The tribal areas, Khyber Pakhtoon and Balochistan provinces remained the most dangerous areas for journalists from the state intelligence agencies and militant groups.

4. Besides this, more than 100 journalists were injured while performing their duties. The authorities make the tall claim that they are providing treatment for the injured journalists and taking care of the welfare of their family members. However the government and the media houses have failed to provide protection to the working journalists, particularly in the war zone areas. The media houses are equally responsible for not taking steps to provide protection to the journalists rather than taking them for granted. At times it looks as if media houses are happy when a journalist is killed as the names of their organisations are quoted at every level. The owners are more concerned about making profit than providing insurance and health benefits to their staff. They have failed to develop any security plan for the safety of the journalists and the future of their families in the event of threats to their lives.

5. During 2014, a journalist and three staff of a television channel were killed in an ambush. From January 2013 to-date, 17 journalists were killed by state intelligence agencies or militant groups such as the Taliban and sectarian groups. Three journalists including two prominent anchorpersons of two television channels were attacked and injured. One, Mr. Raza Rumi of Express channel, was attacked by Taliban group and other, Hamid Mir, was allegedly attacked by the ISI.

6. The military establishment has decided to close down or suspend the licenses of three channels of GEO, a television outlet with the largest viewership in the country. The suspension came about on the complaint of Ministry of Defence by the Pakistan Electronic Regulatory Authority (PEMRA). The Ministry of Defence complained to PEMRA on behalf of the ISI after the station accused General Zaheerul Islam as a conspirator in the attempted assassination of GEO's anchorperson, Hamid Mir. and his family members.

7. Closure of these channels will result in over 2000 journalists and staff losing their jobs. The actions of the Ministry of Defence effectively serve to punish the staff for working with a media house.

8. In the wake of the journalists' subsequent complaints, the ISI has instigated and organised religious groups, forbidden militant organisations, and some right wing political parties to agitate on the streets on daily basis against the GEO group. This campaign has reached a dangerous point such that journalists from GEO group fear being attacked.

9. Amid the agitation, on April 19 a prominent journalist and anchorperson of GEO TV was critically wounded by six bullets. The assailant remains unknown. He and his family members accused the ISI and its chief general Zaheerul

Islam of organizing the attempted killing. TV host Imtiaz Alam has also been receiving threats. A few months ago TV anchor Jasmin Manzoor reportedly cried in front of the Prime Minister and begged for her life.

10. On May 2 GEO News cameraman Asif Kabir was going to the channel's office in Model Town A, Bahawalpur, Punjab, when three motorcyclists wearing helmets stopped him. The three men called him a traitor and an Indian agent and then assaulted him. They injured him badly and attempted to steal his camera. As of writing, no case has been filed by the local police.

11. There are examples of many journalists like Saleem Shahzad, who was disappeared from central Islamabad on May 29, 2011. His body, bearing visible signs of torture, was discovered on May 31. The Supreme Court, at the request of the government, formed a commission of inquiry into the killing. However, the commission's failure to get to the bottom of the Shahzad killing illustrates the ability of the ISI to remain beyond the reach of Pakistan's criminal justice system. The commission's failure to get to the bottom of the Shahzad killing illustrates the ability of the ISI to remain beyond the reach of Pakistan's criminal justice system. The government still has the responsibility to identify those responsible for Shahzad's death and hold them accountable, no matter where the evidence leads.

12. Hyatullah, MusaKhel and many from Balochistan were killed after their disappearance by the powerful intelligence agencies of the army. A prominent journalist, Umer Cheema, was also abducted by the intelligence agency, the ISI, severely tortured and sodomised by army officials. But, as is typical where the military are concerned, no perpetrator has ever been prosecuted nor has any enquiry been concluded.

13. In the murder of Hyatullah Khan, a judicial commission was formed which came out with the opinion that the secret agencies of the military were involved. However, the government has not made the report public and when the widow of Hyatullah Khan began to pursue the case she was also murdered and the ISI was given immunity.

14. Besides the state onslaught against the journalists as the punishment of freedom of expression the journalists are also the target of militants groups in the conflict areas. The journalists reporting on the two conflicts, namely Taliban Militancy and Baloch insurgency, are faced with double jeopardy. There is a common perception in the tribal belt that the military and the militants are on the same page and only innocent people are suffering. It becomes tricky to maintain a balance in reports as it is hard to know exactly who is on whose side.

15. Due to pressures from state intelligence agencies and militant groups, the Federally Administered Tribal Areas, Khyber Pakhtoon and Balochistan remain the most dangerous areas for journalists. In addition to prosecution by the government, journalists are also the target of militant groups in these conflict areas, especially those who report on Taliban Militancy and Baloch insurgency. There is a common perception in the tribal belt that the military and the militants are on the same page and only innocent people are suffering. It becomes tricky to maintain neutrality in reporting as it is hard to know exactly who is on whose side.

16. Journalists working in the Federally Administered Tribal Areas and Khyber Pukhtunkhwa face higher risks. In many cases their families also suffer threats and harassment. Aslam Durrani of Peshawar, Mumtaz Malik of North Wazirstan and Ayub Khattak of Karak were killed in northwestern Pakistan because of their reporting during the year 2013. Others have been kidnapped and assaulted.

17. In Balochistan, insurgents, underground death squads, and sectarian groups like the Lashkar-e-Jhangvi have reportedly threatened journalists. Rights groups have been reporting the deaths of journalists at the hands of intelligence agencies for a significant length of time.

18. Many journalists have left the country because they find no protection from their own organizations and the government. In 2011 four journalists left the country in 2012 eight, in 2013 six and in 2014 three journalists left the country after receiving threats from state agencies and militant groups. These journalists, when they received shelter abroad have been hired by international media houses because of their investigative journalism.

19. Pakistani people often look to the media for help as the judiciary and law enforcement agencies have failed them.

20. Here, the judiciary cannot be expected to provide legal remedies as the courts are beholden to the power of the security establishment and militant organisations. The judiciary itself is directing the police to file cases of blasphemy and treason against the GEO group.

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23. Amnesty International said in its statement on April 30 that journalists in Pakistan live under the constant threat of death, harassment and other violence from all sides. These threats come from parties such as the intelligence services, political parties, and armed groups like the Taliban.

24. The ISI, Pakistan's spy agency, has been implicated in numerous abductions, torture and killings of journalists, and yet no serving ISI official has ever been held to account. This effectively allows the organisation to continue to operate beyond the reach of the law. The Reporter Without Borders has termed Pakistan "the world's deadliest country for media personnel".

25. The failure of the criminal justice system allows perpetrators to compromise freedom of speech with impunity. The Pakistani government has instituted judicial commissions of inquiry on two occasions into the killings of journalists, yet these commissions failed to identify the assassins. Murders of journalists have never been prosecuted or brought to book regardless of available evidence and witnesses. Civilian politicians cannot take action as they themselves are in fear of the military. The Taliban and other militant groups are shields for the military establishment and are used to suppress the freedom of expression.

Recommendations

26. In light of the above, the Asian Legal Resource Centre recommends the followings:

a. Pakistan must prioritise the safety and security of journalists. The authorities should categorically prosecute all those who threaten and attack journalists;

b. Pakistan must ensure protection of the journalistic community including their families;

c. Media houses must ensure the well-being and safety of their journalists and provide compensation for family members in case of death;

d. The UN Human Rights Council must pursue the Pakistani government to rein in the military and the intelligence agencies to ensure that they do not carry out extrajudicial killings of journalists;

e. Trade partners of Pakistan must make their relationships conditional on the safety and security of journalists, and;

f. Donor groups and the World Bank must not compromise on the freedom of expression and safety of journalists in Pakistan while providing the grants and the loans that Pakistan needs.